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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record (partial)* of the 1322nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 16 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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Combined fourth and fifth periodic reports of Namibia (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Namibia (continued) (CEDAW/C/NAM/4-5; CEDAW/C/NAM/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Namibia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Mbombo** (Namibia), replying to questions raised at the previous meeting, said that, as the leading ministry responsible for women, the Ministry of Gender Equality and Child Welfare should indeed have concrete plans to increase the representation of women in the judiciary, the diplomatic service and the private sector. Her Ministry had been concentrating on women in politics and decision-making, and conducting workshops for women in political parties before all elections, but would make concerted efforts to ensure that women were fairly represented on other fronts as well.

3. Turning to the issue of children's nationality, she also agreed that children should be registered at birth without delay even in the father's absence. Any objection to registering a child under a father's name could be lodged by the absentee party at a later date. Her Government would take up the discussion with the Ministry of Home Affairs and Immigration and provide the Committee with any statistics it had on delays in birth registration or inform the Committee if no such statistics were available.

4. **Ms. Sioka** (Namibia) said that the Ministry of Gender Equality and Child Welfare monitored parastatal boards to ensure equal representation of men and women. They were subject to suspension if they failed to achieve gender equality. While some progress had been made in the representation of women serving on boards, statistics were not yet available.

Articles 10 to 14

5. **Ms. Gbedemah** commended the State party for its advances made in the area of education. She said that girls' enrolment exceeded that of boys in every science subject, with the exception of engineering, according to the State party's statistics. Was the Government considering temporary special measures in education? What was preventing girls from doing well in engineering, where they numbered about one third of all engineering students? The State party had a science, technology, engineering and mathematics (STEM) programme, to which it had added agriculture. She asked how many women had participated in that programme and what was its impact, including on engineering.

6. Sex-disaggregated data on the disbursement of scholarships under the Namibia Students Financial Assistance Fund were lacking. What courses did the beneficiaries of those scholarships take? That information was critical for determining what the critical areas for disbursement should be.

7. Regarding violence within the education system, alternative sources had reported that corporal punishment was continuing, in violation of the Education Act of 2000. The delegation should inform the Committee about the trends in rural and urban areas and whether such punishment was occurring in public or private schools? She

wondered how that phenomenon was being monitored and what sanctions were imposed, if any.

8. The delegation was thinking of focusing attention on boys, since girls were doing so well. In fact, girls still faced problems. The State party report indicated that in the Kavango and Kunene regions the percentage of girls at the senior secondary level was low and there was a high dropout rate, even though many girls who dropped out did return to school. Moreover, while girls performed well in education, that did not translate into their performing well in the area of employment, as suggested by table 13 of the State party report.

9. Some 96 per cent of all dropouts were due to pregnancy. The policy on pregnancy stipulated that there was a one-year limit for returning to school. There was also a proviso that the mother and baby must be in good health and that there must be plans for the care of the child. Those conditions represented too many hurdles and could be subjective. Why was there a one-year limit for the return to school? According to the policy, if the girl did not return within one year, she would lose the opportunity to do so. The delegation had said that the Government would take on some of the costs; was the school development fund one such cost? Moreover, according to the policy, boy students who made girl students pregnant were asked to leave school for up to one year. It would be preferable if, as part of life skills education, the boys were asked to spend time babysitting or engaging in something innovative rather than having to leave school altogether.

10. She wished to know whether there was age-appropriate education in the school curriculum on sexuality and reproductive health and rights, including issues of gender relations and responsible sexual behaviour, for both boys and girls. Lastly, she asked what the Government was doing to ensure that the girls' clubs mentioned earlier did not reinforce gender stereotypes unknowingly.

11. **Mr. Bruun** said that he was concerned that unemployment affected women disproportionately, and young women and women with disabilities even more so. How was the National Gender Policy addressing that issue? The State party's reporting to the International Labour Organization (ILO) with regard to the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) had shown that there was a problem with the Government's definition of work of equal value, which must be accorded equal remuneration. Did the Government's prohibition of discrimination also allow for the comparison of jobs that were not the same, or even broadly similar, but of an entirely different nature, in order to determine whether they were of equal value, as the Convention required?

12. The Labour Advisory Council had developed a code of good practice regarding sexual harassment in the workplace. She would appreciate it if the delegation could provide more information on how victims of sexual harassment in the workplace could access justice and give examples or figures of closed cases of sexual harassment.

13. He commended the delegation on the improved provisions on maternity leave, but was confused about the fact that the State party report indicated that a woman had to be employed by the same employer for at least six months in order to be entitled to maternity leave, while the replies to the list of issues stated that the required period was one year. Moreover, three months' maternity leave, which in fact meant only two months after the birth, was short by international standards. Was the Government considering prolonging maternity leave?

14. He commended the delegation on its introduction of a wage order regarding the minimum conditions for domestic workers and on its introduction of a prohibition of domestic work for children under the age of 18. However, girls between 16 and 18 had

few opportunities for education and employment after leaving school. How was the Government making sure that girls in that age group could find employment or receive vocational training? Lastly, was the Government considering ratifying the ILO Domestic Workers Convention, 2011 (No. 189)?

15. **Ms. Zou** Xiaoqiao said that the State party still faced challenges in the health-care sector, including high rates of maternal mortality, abortion and mother-to-child transmission of HIV, as well as inadequate human resources within the public health system, including a shortage of trained health-care workers. The data that were available indicated that the maternal mortality rate had increased from 225 per 100,000 in 1992 to 449 per 100,000 in 2006-2007. More information was needed on how the Government had addressed the high maternal mortality rate, including for example how many medical personnel or midwives had been trained in recent years, and what proportion of the national budget had been allocated to improving the physical infrastructure and health facilities, especially in rural areas. She would welcome up-to-date statistics on the maternal mortality rate; information on whether the Government had collected data on maternal mortality disaggregated by the cause of death, age, and urban and rural areas; and information on the rate of unsafe abortions.

16. The HIV/AIDS epidemic was another concern. What strategic measures were in place or envisaged to address it? Had a monitoring mechanism had been established to assess the situation? There were still cases of HIV-positive women being subject to coercive and forced sterilization in public hospitals. She wondered what measures had been put in place to ensure that medical practitioners obtained informed consent from all women, regardless of their HIV status, before conducting sterilization procedures; what steps had the State party taken to investigate and provide redress to women who were the victims of forced sterilization; and wWhat measures had the Government taken to ensure that all options for contraception were available and accessible to HIV-positive women.

17. **Ms. Kahikuata** (Namibia) said that girls' school enrolment, academic advancement and retention was above that of boys. The Government was concerned about boys, and especially about them dropping out of school; the dropout rate was high.

18. Regarding temporary measures concerning engineering, the Government had made mathematics a compulsory subject in the formal education curriculum for all students. The Government had been trying to inform the nation that everyone must take mathematics but had faced opposition from people asking why that was the case. The University of Namibia had had 10 female and 20 male graduates in engineering in 2012. At the Polytechnic of Namibia, 24 female graduates had earned the diploma in engineering and 29 males, while at the honours level there had been 3 female graduates and 1 male, and at the professional bachelor degree level, 132 female graduates and 466 males. Encouraging girls to enter certain fields was proving challenging, but the Government was pressing girls to do just that within the formal education system. It was also being careful about how it portrayed certain fields of work in textbooks, ensuring that textbooks did not indicate that a certain field was only for men, while another was only for women. The Government had panels that evaluated the content of textbooks used in schools and tried to ensure that there were role models for girls and for learners with disabilities so that those groups could feel that they might pursue the profession in question.

19. Life skills was a subject offered in schools. The Government had appointed full-time life skills teachers in schools. Regarding the need for life skills education to go beyond gender equality and human rights, the Government had included age-appropriate sex education in the school curriculum. Risky sexual behaviour had also

been discussed. Schools had clubs that focused on HIV and addressed the issue of sex education.

20. As for the issue of girls being granted scholarships to study law, there were a number of women who had obtained law degrees. The number of women graduating in law from the University of Namibia had gone up from 22 in 2003 (versus 23 men) to 90 in 2012 (versus 53 men). Women were not on the bench because there were additional requirements for that.

21. The Government was concerned about pregnancy among schoolgirls. The policy whereby girls left school for a year had ended many years before. The current policy, called the Education Sector Policy for the Prevention and Management of Learner Pregnancy, did not require students to take a year off; rather it stipulated that the girl could stay in school up to four weeks before giving birth and return to school later in the same year. In order for her to return, she had to be physically fit and there had to be someone who would look after the baby. Nothing in the current policy prevented the school-age mother from returning to school right away. There had been cases where students became pregnant, left school, returned, continued their studies and completed year 12. Although there were no statistics on how many girls had left due to pregnancy and then returned to school. The President had recently called for keeping such statistics. The current policy did not stipulate that the boy must leave school; both the girl and the boy had the opportunity to continue their studies. A difficulty relating to the learner pregnancy policy was the fact that pregnancy was not talked about openly; when members of the Ministry of Education talked freely about school-age pregnancy, they met with opposition. A number of agencies, including the United Nations Children's Fund (UNICEF), however,were involved in awareness-raising efforts.

22. Corporal punishment had continued to be meted out in schools, but the legal system had criminalized it. Some cases had gone to court, and the person administering the corporal punishment had been called to account. Such punishment could foster an atmosphere of violence in schools, and the Government was working with UNICEF to create a framework for safe schools that would address the issues of aggression, bullying and other matters.

23. There were no statistics on female students awarded scholarships and other funding, but students whose parents' income was equal to or less than 150,000 Namibian dollars (about US$ 13,000) per year received preferential treatment when student funding was awarded, as did children from marginalized or vulnerable groups.

24. The number of cases of school-age pregnancy had initially gone down from 1,735 in 2009 to 1,406 in 2012, and then back up to 1,553 in 2013. The Ministry had conducted information campaigns, produced posters and carried out other measures to address that issue.

25. **Ms. Sioka** (Namibia) expressed regret that the delegation did not include a member of the Ministry of Labour and Social Welfare and promised to provide the statistics that had been requested.

26. **Ms. Gawanas** (Namibia) said that the delegation would ask the Ministry of Labour and Social Welfare to provide statistics on the labour market and set out a definition of work of equal value. She acknowledged that youth unemployment, in particular among women, was a problem; in Africa in general, the population was young, with high levels of unemployment, but youthfulness should be seen as a resource. Women were often employed in jobs with lower salaries, although some did work in well-paid sectors, for example construction and mining. The public sector, not the private sector, was in fact the main employer. One way of increasing the size of the private sector might be to increase access to vocational training so that graduates

could start their own businesses. The Ministry of Trade and Industry and Ministry of Labour and Social Welfare would work with other ministries to address the challenge of increasing job opportunities.

27. While sexual harassment was prohibited under the Labour Act (2007) and women could seek redress through the legal system, she said that based on her previous experience as Ombudswoman, many incidents went unreported because women were afraid of repercussions in the workplace; more must be done to create open workplaces where women could assert their rights without fear. A woman was currently entitled to request maternity leave after working for the same employer for six months; in order to receive the full period of leave — 4 weeks before delivery and 8 weeks thereafter, for a total of 12 weeks — a woman had to have worked for the same employer for 1 year. Her Government was committed to lowering the maternal mortality rate, which had dropped significantly, to approximately 200 per 100,000 live births, but she stressed the difficulty of providing adequate care in a vast and sparsely populated country with a shortage of doctors and nurses.

28. Mobile clinics were deployed to areas where no permanent clinic existed and three years earlier a programme had been launched to take people from rural communities, provide them with six months of health training and then return them to their communities. That programme had been very successful in providing basic health-care and nutritional advice, including for pregnant women. A medical school had been established; the first class of doctors was currently in their sixth, or internship, year. Those new doctors should help improve the availability of medical care, although it remained difficult to convince medical professionals to practise in remote areas. Her Government was considering the possibility of offering scholarships to medical students on the proviso that they spent a specified period in remote areas.

29. Prevention of mother-to-child transmission had been made a priority and the success rate currently stood at 92 per cent. The father's responsibility to play a role in preventing HIV transmission had been underscored and new emphasis had been placed on saving the life of both mother and child. In follow-up to a devastating report on the state of the health system, the Ministry of Health had prepared a road map with clear targets for improving health care, including more specialized maternity and children's health facilities, which would help reduce maternal and child mortality. With regard to HIV/AIDS, she said that with funding from international donors, including the Global Fund to Fight AIDS, Tuberculosis and Malaria, but mostly its own resources, her Government had reduced infection rates and currently provided between 80 and 90 per cent of HIV-positive persons with antiretroviral drugs. Progress made in that area would also contribute to lowering maternal mortality. She stressed the importance of a coordinated approach to HIV/AIDS and sexual and reproductive health.

30. With regard to the forced sterilization of women living with HIV, she noted that the Supreme Court had upheld the lower court decisions awarding three women damages because they had been sterilized without their consent and sent the case back to the High Court to determine the amount of damages to be paid. As a result the Ministry of Health and Social Services would prepare guidelines on sterilization services for women living with HIV and offer training to health-care workers on how to deal with that issue. Her only concern in that regard was that, in the light of the court decision, health-care professionals might be reluctant to perform sterilization even when requested.

31. She acknowledged that restrictions on abortion forced many women to have illegal abortions that frequently led to medical complications, and even death. There had been discussion of a bill to loosen the restrictions on abortion but due to the strong opposition of some parties no bill had been submitted to Parliament. She hoped that debate on the abortion issue would be reopened. One way of reducing abortion,

especially in cases of unwanted pregnancies among teenage girls, was to ensure adequate family planning and awareness of sexual and reproductive health.

32. **Ms. Sioka** (Namibia) said that her Government had formalized the situation of domestic workers with a view to offering them more protection. She would transmit to the appropriate authorities Mr. Bruun's concerns relating to ratification of ILO Convention No. 189.

33. **Ms. Pomeranzi**, with regard to article 13, stressed the State party's obligation to address economic and social issues that were the root causes of discrimination against women and to ensure the implementation of relevant legislation in order to accelerate the achievement of gender equality. She welcomed the fact that Namibia had succeeded in reaching the Millennium Development Goal of halving the proportion of people whose income was less than $1.25 a day. She said that many people, especially women, nevertheless continued to live below the poverty line and she wondered whether the State party had made improving their situation a priority and whether gender had been mainstreamed in the policies of all ministries. She also requested information on whether the State party had prioritized facilitating women's access to finance and credit, including bank loans and microcredit schemes, as well as on how many women had obtained financial assistance. She was concerned by reports that, in practice, women had difficulty obtaining credit without their husband's permission. She would also appreciate information on women's access to credit in rural areas.

34. Turning to article 14, she said that since half the population worked in agriculture, which was mostly the subsistence variety, poverty was a serious problem, in particular for women heads of households. Furthermore, ethnic groups often did not give women the same rights as men. Although the Communal Land Reform Act (2002) gave women the right to inherit a spouse's land, there was in fact resistance to that provision for cultural and economic reasons and she cited reports of land-grabbing from widows. She noted that legal aid was available to surviving spouses to appeal to the courts to have their land rights upheld and that the Government had worked with local communities to protect land rights but wondered whether the State party had an overarching strategy, appropriately funded, to ensure that the Act was implemented. In the area of the environment as well, she wondered whether rural women had been consulted in the context of efforts to deal with desertification and access to water resources.

35. **Ms. Sioka** (Namibia) said that the issue of landownership in a vast and underpopulated country was a thorny one, especially for women, and a vestige of the colonial era, when land belonged to a woman's husband or to the colonizers; much land continued to be under foreign ownership. Many young people were unhappy with waiting for an opportunity to own their own land, which could lead to land-grabbing. The State party must continue to work with the international community to promote peaceful measures to ensure that the people of Namibia had ownership of their own land.

36. **Ms. Gawanas** (Namibia) said that the Social Security Commission had recently organized a national conference to develop a comprehensive framework for social protection. The Ministry of Gender Equality and Child Welfare had participated in that conference with a view to ensuring that the empowerment of women would be a major pillar in that framework. With regard to women's right to own property and have access to credit, she said that under the old law a woman who married under a regime of community of property in fact gave up her right to sign contracts, own property, take out loans or start a business. The Married Persons Equality Act guaranteed a married woman's rights in those areas, but also made both spouses equally responsible for shared liabilities as well as assets. For example, if the husband requested a loan,

the wife would also have to sign because she would share responsibility for its management and repayment

37. **Mr. Shipoh** (Namibia) said that the Communal Land Reform Act had increased women's access to communal land by prohibiting the discriminatory customary practices that had previously prevented widows from remaining on communal land allocated to their deceased husbands. Widows who were forcibly evicted or displaced from their homes could obtain redress through the courts.

38. **Ms. Mbombo** (Namibia) said that, owing to a lack of data, information was not readily available on the accessibility of national microcredit programmes for women run by the Ministry of Gender Equality and Child Welfare. However, numerous gender task forces and focal points had been appointed in order to mainstream gender into national policies and strategies, particularly poverty reduction and rural development programmes.

39. **Ms. Pomeranzi** asked whether the State party intended to devise a specific national policy to combat the practice of land-grabbing.

40. **Ms. Sioka** (Namibia) said that the Government had implemented a series of measures to prevent the forced eviction or displacement of widows from communal land allocated to their deceased husbands, including a public awareness-raising campaign.

41. **Ms. Mbombo** (Namibia) said that new policies to combat land-grabbing would be developed as part of a four-year plan to implement the Committee's recommendations.

42. **Ms. Gawanas** (Namibia) stressed that land-grabbing was considered theft and was not an accepted cultural practice. The Government worked in close partnership with the traditional authorities to prevent land-grabbing, but further efforts were required to ensure that punishments handed down by the courts to perpetrators of such practices were enforced.

Articles 15 and 16

43. **Ms. Patten** asked whether progress had been made towards the adoption of the bill on the recognition of customary marriages, which set the minimum age for marriage, including customary marriage, at 18. She also wished to know whether the State party would consider amending the marital property bill and the Flexible Land Tenure Act to ensure that women in customary marriages and de facto unions had the same property and inheritance rights as women in civil marriages. Similarly, she asked whether there were plans to repeal the no-fault divorce regime currently provided for in the divorce bill. Lastly, she wished to know what efforts had been made to ensure the full implementation of the Estate and Succession Amendment Act, which provided for maintenance payments and protection against land-grabbing for widows upon the death of their spouse.

44. **Mr. Shipoh** (Namibia) said that the Government would consider introducing specific provisions to protect women in customary marriages and de facto unions under the marriage and divorce bills. While customary marriage did not have the same legal status as civil marriage, women in customary marriages had an equal right to request the inclusion of their name on land titles held by their partner. However, couples in customary marriages were encouraged to write a will setting out their wishes in respect of the division of shared property and assets to dispel any doubt.

45. **Ms. Gawanas** (Namibia) said that the adoption of the marriage and divorce bills would greatly improve the economic and social status of women. Reflecting and

striking the right balance between different cultural traditions and beliefs would, however, take a considerable amount of time.

46. **Ms. Mbombo** (Namibia) noted that the childcare and protection bill set the minimum age for marriage at 18, which applied to both civil and customary marriages.

47. **The Chairperson** thanked the delegation of Namibia for the fruitful dialogue with the Committee. She commended the State party for its efforts and encouraged it to take all necessary measures to fully implement the Convention for the benefit of all women and girls in the country.

48. **Ms. Sioka** (Namibia) thanked the Committee for their insightful comments and recommendations. She said that her Government remained committed to implementing the Convention and would continue to introduce policies and programmes that promoted women's equality and participation in all areas of life.

The discussion covered in the summary record ended at 5 p.m.